

ENTERED

December 20, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

THE TEXAS GENERAL LAND OFFICE; §
and GEORGE P. BUSH, in his official §
capacity as Commissioner of the Texas §
General Land Office, §

Plaintiffs, §

VS. §

JOSEPH R. BIDEN, in his official capacity §
as President of the United States of §
America; UNITED STATES §
DEPARTMENT OF HOMELAND §
SECURITY; and ALEJANDRO §
MAYORKAS, in his official capacity as §
Secretary of the United States Department §
of Homeland Security, §

Defendants. §

CIVIL ACTION NO. 7:21-cv-00272

THE STATE OF MISSOURI; and THE §
STATE OF TEXAS, §

Plaintiffs, §

VS. §

JOSEPH R. BIDEN, JR., in his official §
capacity as President of the United States of §
America; THE UNITED STATES OF §
AMERICA; ALEJANDRO MAYORKAS, §
in his official capacity as Secretary of the §
United States Department of Homeland §
Security; UNITED STATES §
DEPARTMENT OF HOMELAND §
SECURITY; TROY A. MILLER, in his §
official capacity as the Acting §
Commissioner of United States Customs §
and Border Protection; and UNITED §

CIVIL ACTION NO. 7:21-cv-00420

(Formerly
CIVIL ACTION NO. 6:21-cv-00052)

STATES CUSTOMS AND BORDER	§
PROTECTION,	§
	§
Defendants.	§

ORDER

The Court now considers Plaintiffs Texas General Land Office's and Commissioner George P. Bush's "Unopposed Joint Motion for Revised Scheduling Order."¹ Because the motion is unopposed, the Court considers it as soon as practicable.²

This case commenced on July 13, 2021.³ On December 10th, Plaintiffs filed an amended complaint in violation of Federal Rule of Civil Procedure 15(a)(2).⁴ After the Court struck the amended complaint,⁵ Plaintiffs now move for a specialized scheduling order in which Plaintiffs may file an amended complaint, followed by briefing deadlines for Defendants' motion to dismiss that amended complaint.⁶ The Court first admonishes Plaintiffs for failing to include numbered paragraphs.⁷

The parties concur in the warrant for an amended complaint given new events and a slightly extended briefing schedule on Defendants' motion to dismiss given the complexity of the issues involved and the end-of-year federal holidays.⁸ In the absence of any opposition or prejudice, the Court concurs. Pursuant to Local Rule 7.8, the Court **GRANTS** Plaintiffs' unopposed motion and

¹ Dkt. No. 29.

² LR7.2 ("Motions without opposition and their proposed orders must bear in their caption 'unopposed.' They will be considered as soon as it is practicable.").

³ Dkt. No. 1.

⁴ Dkt. No. 25.

⁵ Dkt. No. 26.

⁶ Dkt. No. 29 at 2.

⁷ See FED. R. CIV. P. 7(b)(2) ("The rules governing captions and other matters of form in pleadings apply to motions and other papers."); FED. R. CIV. P. 10(b) (emphasis added) ("A party must state its claims or defenses *in numbered paragraphs*, each limited as far as practicable to a single set of circumstances.").

⁸ Dkt. No. 29 at 2.

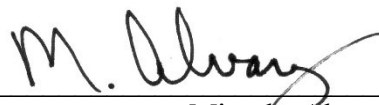
enters this specialized briefing schedule which controls disposition of this action until further order of the Court. The following actions shall be completed by the dates indicated:

PRETRIAL EVENTS	DEADLINES
Deadline for the <i>Bush v. Biden</i> Plaintiffs to file their amended complaint. The Court's leave for the amended complaint is GRANTED pursuant to Federal Rule of Civil Procedure 15(a)(2).	December 22, 2021
Deadline for Defendants to file their motion to dismiss the amended complaint.	January 10, 2022
Deadline for Plaintiffs to respond to Defendants' motion to dismiss.	January 31, 2022
Deadline for Defendants to reply to Plaintiffs' response.	February 14, 2022
Deadline for parties to file their joint discovery/case management plan.	April 8, 2022
Initial pretrial and scheduling conference.	April 19, 2022, at 9:00 a.m.

This scheduling order supersedes any earlier schedule, is binding on all parties, and shall not be modified except by leave of Court. All other deadlines not specifically set out in this scheduling order will be governed by the Federal Rules of Civil Procedure and this Court's Local Rules.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 20th day of December 2021.



Micaela Alvarez
United States District Judge